

United States District Court

EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

FRANCIE RACHAL

v.

SELECT PORTFOLIO SERVICING, INC.,
ET AL.

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Civil Action No. 4:17-CV-871

(Judge Mazzant/Judge Nowak)

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the Magistrate Judge pursuant to 28 U.S.C. § 636. On October 5, 2018, the report of the Magistrate Judge (Dkt. #48) was entered containing proposed findings of fact and recommendations that Defendants' Motion for Summary Judgment (Dkt. #32) be **GRANTED**.

After entry of the Report and Recommendation, Plaintiff filed her "Notice of Bankruptcy Case Filing" (Dkt. #50). On November 2, 2018, Defendants responded to Plaintiff's Notice, and asserted that the bankruptcy stay does not apply to the instant case because it is an action filed by the debtor (Dkt. #52). Upon consideration of Plaintiff's Notice (Dkt. #50), Defendants' Response (Dkt. #52), and all relevant filings, the Court finds that the automatic stay does not bar the Court from adopting the Report and Recommendation and entering a final judgment in this matter. *See McDonough Associates, Inc. v. Grunloh*, 722 F.3d 1043, 1048 n.3. (7th Cir. 2013).

Having received the report of the Magistrate Judge, and no objections thereto having been timely filed, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's report as the findings and conclusions of the Court.

It is, therefore, **ORDERED** that Defendants' Motion for Summary Judgment is GRANTED and Plaintiff's claims against Defendants are DISMISSED with prejudice.

SIGNED this 21st day of November, 2018.

A handwritten signature in black ink, reading "Amos Mazzant". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

AMOS L. MAZZANT
UNITED STATES DISTRICT JUDGE